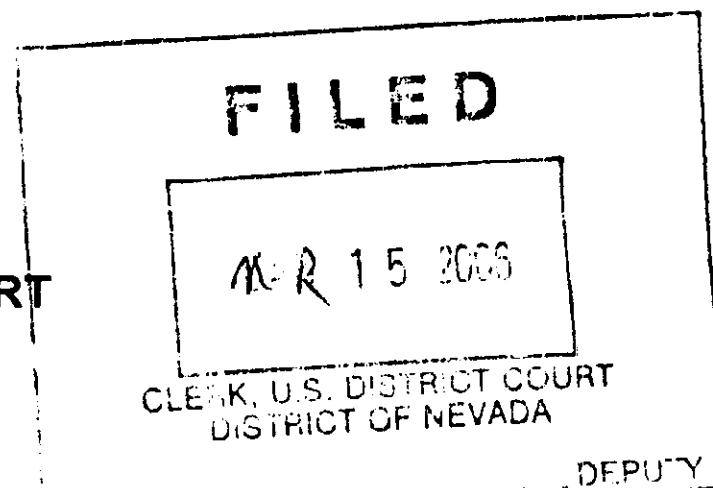


UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA.

v.

Miranda L. Williams Movant.



Case No. CR-04-0365-PMP(LRL)
(To be supplied by District Court)

**MOTION TO VACATE, SET
ASIDE, OR CORRECT
SENTENCE BY A PERSON
IN FEDERAL CUSTODY
PURSUANT TO 28 USC § 2255**

(If movant has a sentence to be served in the *future* under a federal judgment which he wishes to attack, he should file a motion in the federal court which entered the judgment.)

Motion To Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody

- (1) This motion must be legibly handwritten or typewritten, and signed by the movant under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the *facts* which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt, your motion will be filed if it is in proper order. No fee is required with this motion.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed in *forma pauperis*, in which event you must execute the declaration on the last page, setting forth information establishing your inability to pay the costs. If you wish to proceed in *forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different judges or divisions either in the same district or in different districts, you must file separate motions as to each such judgment.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the motion you file seeking relief from any judgment of conviction.
- (7) When the motion is fully completed, the *original and two copies* must be mailed to the Clerk of the United States District Court whose address is, Lloyd D. George U.S. Courthouse, 333 Las Vegas Boulevard, #1334 Las Vegas, Nevada 89101 Phone # (702) 464-5400.
- (8) Motions which do not conform to these instructions will be returned with a notation as to the deficiency.

MOTION

1. Name and location of court which entered the judgment of conviction under attack.
United States District Court - District of Nevada
333 Las Vegas Blvd South - Las Vegas, NV. 89101
2. Date of judgment of conviction 1-22-06
3. Length of sentence Thirteen months
4. Nature of offense involved (all counts) 18 USC 371, Conspiracy
involving Wire Fraud, Bank Fraud and Access
Device Fraud
5. What was your plea? (Check one)
 - (a) Not guilty ☐
 - (b) Guilty ☒
 - (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

N/A
6. Kind of trial: (Check one)
 - (a) Jury ☐
 - (b) Judge only ☐
7. Did you testify at the trial?
 Yes ☐ No ☒ trial
8. Did you appeal from the judgment of conviction?
 Yes ☐ No ☒
9. If you did appeal, answer the following:
 - (a) Name of court, N/A
 - (b) Result, _____
 - (c) Date of result _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on petition, application or motion?

Yes ☐ No ☒

(5) Result N/A

(6) Date of result _____

As to any second petition, application or motion give the same information:

(b) (1) Name of court. N/A

(2) Nature of proceeding. _____

(3) Grounds raised. N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result, N/A

(6) Date of result N/A

As to any third petition, application or motion, give the same information:

(c) (1) Name of court N/A

(2) Nature of proceeding _____

(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(d) (1) First petition, etc. Yes ☐ No ☒

(2) Second petition, etc. Yes ☐ No ☒

(3) Third petition, etc. Yes ☐ No ☒

(e) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not: not applicable

N/A

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, *you should raise in this motion all available grounds* (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.

(i) Denial of effective assistance of counsel.

(j) Denial of right of appeal.

A. Ground one: THE Term imposed WAS NOT Implemented

Supporting FACTS (tell your story *briefly* without citing cases or law):

Terms and conditions of the sentence the
Court imposed were not implemented as
the Court intended. The Courts intentions were
thwarted by failure of the U.S. Marshals to transport.
See ATTACHED

B. Ground two: N/A

Supporting FACTS (tell your story *briefly* without citing cases or law):

C. Ground three: _____

Supporting FACTS (tell your story *briefly* without citing cases or law):

D. Ground four: _____

Supporting FACTS (tell your story *briefly* without citing cases or law):

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

14. Do you have a petition or appeal now pending in any court as to the judgment under attack?
Yes ☐ No ☒
15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
- (a) At preliminary hearing _____
- (b) At arraignment and plea TERENCE JACKSON
- (c) At trial _____
- (d) At sentencing SAME
- (e) On appeal _____
- (f) In any post-conviction proceeding N/A
- (g) On appeal from any adverse ruling is a post-conviction proceeding N/A
16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?
Yes ☐ No ☒
17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
Yes ☐ No ☒
- (a) If so, give name and location of court which imposed sentence to be served in the future:
N/A
- (b) And give date and length of sentence to be served in the future: N/A
- (c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
Yes ☐ No ☒

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding. I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on March 8 2006

Signature of Attorney (if any)

Shane Williams

Signature of Movant